



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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PREFILED BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3004 CREATION OF A NEW DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY Rep. Cooper

This bill establishes the Natural Resource Enforcement Division within the Department of Public Safety. It transfers the functions, powers, duties, responsibilities, assets, liabilities, records, property, personnel, unexpended appropriations, and the authority statutorily exercised by the South Carolina Department of Natural Resources to the Natural Resources Enforcement Division of the Department of Public Safety. Numerous statutes are repealed to conform to these provisions.

H. 3008 PUBLIC ACCESS REQUIREMENTS FOR ACQUIRING CONSERVATION EASEMENTS Rep. M. A. Pitts

In addition to the South Carolina Conservation Bank Trust Funds, this bill adds that all state and local funds can be used to acquire, in whole or in part, a conservation easement. This bill further states that these funds outlined cannot be used to acquire conservation easements or other riverbank property unless the terms specifically allows public access for fishing and hunting and other traditional uses associated with fishing and hunting.

H.3101 "ALL-TERRAIN VEHICLE SAFETY ACT" Rep. Kirsh

This bill establishes operation, sale, and safety and penalty regulations for All-Terrain Vehicles for persons under the age of sixteen.

H.3109 "ALL-TERRAIN VEHICLE SAFETY ACT" Rep. Kirsh

This bill establishes operation, sale, and safety and penalty regulations for All-Terrain Vehicles for persons under the age of sixteen.

H.3114 DISPOSAL OF OUT OF STATE WASTEWATER TREATMENT SLUDGE Rep. Kirsh

In an effort to protect the environment, this bill prohibits wastewater treatment sludge generated outside of this state to be disposed of in this state.

H.3121 REMOVAL OF CERTAIN TYPES OF TURTLES Rep J. E. Smith

Under the "South Carolina Nongame and Endangered Species Conservation Act", this bill adds that it is unlawful for a person to remove, or attempt to remove, more than ten, either in one species or a combination of species of turtles. The types of species are outlined, as well as penalties for violations.

H.3132 "SOUTH CAROLINA COMPREHENSIVE STATEWIDE WATER MANAGEMENT ACT OF 2009" Rep. Bowen

This bill enacts the "South Carolina Comprehensive Statewide Water Management Act of 2009". As a result, the bill establishes and provides for the development of a statewide comprehensive water management program.

H.3179 "SOUTH CAROLINA FARM TO SCHOOL PROGRAM ACT"

Rep. Cooper

This bill creates the South Carolina Farm to School Program within the South Carolina Department of Agriculture. This program will foster a direct relationship between South Carolina farms and schools to provide schools with fresh and minimally processed foods for student consumption. This bill also outlines the duties and responsibilities of a program director, as well as to establish a website dedicated to program initiatives.

H.3200 "ELECTRONICS RECYCLING ACT" Rep. Funderburk

This bill enacts the "Electronics Recycling Act" to provide for a statewide covered electronics recycling program which should be posted on the Department of Health and Environmental Control's website. The legislation requires manufacturers and local governments to participate in the program. The legislation provides additional requirements for establishing the program.

EDUCATION AND PUBLIC WORKS

H.3080 MODIFICATION OR WAIVER OF A RESTRICTED DRIVER'S LICENSE

Rep. J.E. Smith

Under this bill the restrictions contained in a restricted driver's license issued to a minor may be modified or waived by the Department of Motor Vehicles, if the restricted licensee proves that the restriction interferes with travel between the licensee's home and religious sponsored events.

H.3083 UNLAWFUL FOR A PERSON TO OPERATE A MOTOR VEHICLE WHILE USING A CELLULAR TELEPHONE, PAGER, PERSONAL DIGITAL ASSISTANT DEVICE OR ANOTHER WIRELESS COMMUNICATIONS DEVICE THAT IS NOT EQUIPPED WITH A HANDS-FREE MECHANISM Rep. Hart

This bill provides that it is unlawful for a person to operate a motor vehicle while using a cellular telephone, pager, personal digital assistant device, or another wireless communications device while the vehicle is in motion. These provisions do not apply to devices equipped and operated with a hands-free mechanism. Violations are misdemeanors.

H.3084 NAMING OF A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL

Rep. Toole

This bill provides that unless a highway facility is dedicated and named in honor of either a serviceman or law enforcement officer killed in the line of duty, public funds may not be used to reimburse the Department of Transportation for the expenses it incurs to name and dedicate the highway facility.

H.3094 AMBULANCES Rep. Littlejohn

This bill provides that it is unlawful for a person to operate a vehicle that is no longer permitted and licensed as an ambulance unless the vehicle's exterior equipment and

markings that distinguish it as an ambulance are removed. Violations are felonies; exceptions are provided for certain organizations.

H.3095 *TEACHER CONTRACTS* Rep. Clemmons

This bill increases the induction contract period for teachers from one year to five years.

H.3096 *TEACHERS* Rep. Bowen

This bill revises the definition of the term "teacher" by requiring certain minimum time in the classroom among other criteria.

H.3097 *STUDENT ATHLETE PHYSICALS* Rep. Cobb-Hunter

In order for a student to participate on a school sponsored athletic team, this bill requires the student to undergo a preparticipation physical, during which an electrocardiogram test must be administered. The doctor who administers the test must clear the student for participation on the team before the student is eligible to participate.

H.3100 *SCHOOL STARTING DATE* Rep. Kirsh

Relating to a school's calendar, this bill deletes the requirement that a school may not open for students before a certain date.

H.3103 *NO FEE FOR TAKING THE GENERAL EDUCATIONAL DEVELOPMENT*

***EXAM (GED) FOR CERTAIN STUDENTS* Rep. Toole**

This bill provides that a person who is enrolled in a state sponsored adult education program in the school district in which he resides may take the General Educational Development Exam (GED) free of charge if he meets all requirements of the adult education program, including attendance, and scores at least a 2400 on a practice GED exam. To the extent necessary to reimburse the State Department of Education for expenses incurred during the administration of the exam, funds must be deducted in a pro rata amount from funds appropriated for the LIFE Scholarship, HOPE Scholarship, Palmetto Fellows Scholarship, the Need Based Grants program, and the Tuition Assistance program.

H.3104 *SOUTH CAROLINA COLLEGE AND UNIVERSITY BOARD OF REGENTS* Rep. G.M. Smith

In order to foster the development of a coordinated system of higher education, to improve the quality of education, to extend its benefits, and to encourage an economical use of the State's resources, this legislation redefines the South Carolina system of higher education. Among other things, this bill establishes the South Carolina College and University Board of Regents and provides for its membership, powers, duties, and responsibilities.

H.3105 *MEETING, OVERTAKING, AND PASSING A STOPPED SCHOOL BUS* Rep. Huggins

Among other things, this bill requires a driver of a vehicle to stop before reaching a stopped school bus on school grounds in a designated loading or unloading area.

H.3111 *STUDENT ATHLETE PHYSICALS* Rep. Cobb-Hunter

In order for a student to participate on a school sponsored athletic team, this bill requires the student to undergo a preparticipation physical, during which an electrocardiogram test must be administered. The doctor who administers the test must clear the student for participation on the team before the student is eligible to participate.

**H.3112 PROPOSED CONSTITUTIONAL AMENDMENT REQUIRING THE
GENERAL ASSEMBLY TO PROVIDE FOR A HIGH-QUALITY
EDUCATION FOR ALL CHILDREN OF THE STATE Rep. McLeod**

This joint resolution proposes to amend the State Constitution so as to require the General Assembly to provide for a high-quality education, allowing each student to reach his highest potential.

H.3120 PUPIL-TEACHER RATIOS IN GRADES K-6 Rep. J.E. Smith

By school year 2010, this bill requires the board of trustees of each school district to attain an average pupil-teacher ratio in kindergarten through grade six of each school in the district of 25:1 based on average daily membership in the particular grades. The ratio must be attained as follows: (1) by school year 2010 - 27:1; (2) by school year 2011 - 25:1. The provisions of this section do not affect the required pupil-teacher ratios of 21:1 in basic skills of reading and mathematics in grades one through three. The State Board of Education is authorized to waive these provisions upon finding that a good faith effort is being made by the school district to comply with the pupil-teacher ratio provisions in each school but that the lack of classroom space which was beyond its control makes it physically impossible for the district to comply by the school years required and the cost of temporary classroom space cannot be justified. Beginning with school year 2012, a school district violating the pupil-teacher ratio provisions shall have its state aid for the ensuing school year reduced by the percentage difference between the aggregate pupil-teacher ratios of all the schools within the district serving K-6 students and the required pupil-teacher ratio.

H.3133 ANNUAL INSPECTION OF MOTOR VEHICLES Rep. Jefferson

Under this bill, the Department of Motor Vehicles shall require that certain vehicles must undergo an annual inspection. Among other things, the bill provides a fee for the inspection as well as penalties for violations.

**H.3134 REDUCED FEE FOR GOLD STAR FAMILY SPECIAL LICENSE
PLATES**

Rep. Bowers

Under this bill, the special fee required by §56-3-2020 for the Gold Star Family special license plate is waived.

H.3150 TRAINS BLOCKING INTERSECTIONS IN MUNICIPALITIES

Rep. Whipper

During the certain peak traffic hours, in order not to cause a hazard to public vehicular transportation, this bill provides that a train in a municipality may not block four lane intersections for more than five minutes. In the event the time limits contained in this legislation conflict with similar time limits under federal law or regulation, the federal time limits control.

H.3151 STUDENT RETENTION Rep. Whipper

This bill provides that no student enrolled in grades seven through twelve may be retained in his present grade for the next school year either at his current school or at another school other than for academic or health reasons which are documented in the student's Individual Education Plan (IEP) or in other records applicable to the student. Health reasons do not include those relating to the athletic abilities of the student.

H.3175 ADMISSION TO A CHARTER SCHOOL Rep. G.R. Smith

This bill provides that enrollment priority may be given to a sibling of a pupil already enrolled in the charter school who has attended the school for one year or more.

H.3177 CHARTER SCHOOLS Rep. G.R. Smith

This bill provides that a local school district may not deny a charter school, charter school teacher, or charter school student anything that is otherwise available to a public school, public school teacher, or public school student.

H.3178 UNIVERSITY OF SOUTH CAROLINA UPSTATE MAY OFFER IN STATE TUITION TO CERTAIN NORTH CAROLINA STUDENTS

Rep. Littlejohn

This bill authorizes the University of South Carolina Upstate to offer in-state tuition to a student who is a legal resident of Rutherford County, Polk County, Henderson County, or Transylvania County of the State of North Carolina as long as the North Carolina higher education governing authority offers in-state tuition to a student who is a legal resident of Spartanburg County or Greenville County of the State of South Carolina.

H.3180 SCHOOL DISTRICTS MAY OPERATE ON A FOUR-DAY WEEKLY CALENDAR Rep. Govan

Relating to the beginning and length of the school term, this bill provides that a school district may propose an alternative school schedule plan that provides for the operation of schools on a four-day weekly calendar.

H.3191 REVIEW OF CHARTER SCHOOL APPLICATIONS Rep. Harrison

This bill requires a local school board to publish notice of a public hearing for the approval of a proposed charter school to be held within 30 days of receipt of the application. Among other things, the bill provides that the charter school may be represented by counsel, may present evidence, and may cross examine witnesses at the hearing.

H.3202 DATING VIOLENCE EDUCATION Rep. Brady

The stated intent of this legislation is to require each school district to establish a policy for responding to incidents of dating violence and to provide dating violence education to students, parents, staff, faculty and administrators, in order to prevent dating violence and to address incidents involving dating violence.

JUDICIARY

H.3003 CONCEALED WEAPONS Rep. Cooper

This bill makes various revisions relating to concealable weapons statutes. Relating to concealed weapons and the forfeiture of weapons when a violation occurs, this bill increases the penalty for a violation. Relating to the issuance of concealed weapon permits, this bill specifically enumerates those persons not required to obtain a concealed weapon permit. Relating to the right to allow concealed weapons upon certain premises, this bill specifically enumerates those persons that are exempted from the purview of the statute. The bill repeals §16-23-20 relating to the unlawful carrying of a handgun and §23-31-217 relating to the effect of §16-23-20; the bill also deletes corresponding references to these statutes.

H.3005 PHOTOGRAPH REQUIREMENT FOR VOTING Rep. Delleney

This bill requires that electors registered to vote must be issued a certificate or written notification of registration which, among other things, contains their photograph. Poll managers must compare the photograph on the required identification with the person presenting himself to vote as well as verify that the photograph is that of the person seeking to vote.

H.3006 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO SPECIAL PURPOSE DISTRICTS Rep. Harrison

This joint resolution proposes to amend the State Constitution so as to authorize the General Assembly, by special or local law, to abolish a special or public service district and transfer its assets and liabilities to an assuming service provider.

H.3012 CHILD SUPPORT OBLIGATION DURING INCARCERATION Rep. Hosey

If a person is incarcerated for nonpayment of child support, this bill provides that during the time the person is incarcerated and for three months after release, the person's obligation to pay child support is suspended, arrearages do not accrue, and existing arrearages are held in abeyance.

H.3013 REVISIONS TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS OR UNCULTIVATED LANDS Rep. Limehouse

This bill revises the elements of the offense as well as increases penalties for violations. The bill also vests jurisdiction to hear and dispose of this offense in magistrates' court.

H.3016 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE GENERAL ASSEMBLY IMPOSING OR INCREASING A FEE Rep.

Toole

This joint resolution proposes to amend the State Constitution so as to provide that a bill or joint resolution of the General Assembly imposing or increasing a fee may not become law unless it receives the approval of three-fifths of the membership elected to the House of Representatives and three-fifths of the membership elected to the Senate.

H.3017 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE

**GENERAL ASSEMBLY IMPOSING OR INCREASING A TAX, THE
REVENUE OF WHICH IS CREDITED TO THE GENERAL FUND OF
THE**

STATE Rep. Toole

This joint resolution proposes to amend the State Constitution so as to provide that a bill or joint resolution of the General Assembly imposing or increasing a tax, the revenue of which is credited to the general fund of the State, may not become law unless it receives the approval of two-thirds of the membership of the House of Representatives and two-thirds of the membership of the Senate.

H.3020 PEREMPTORY CHALLENGES AND JURY LISTS Rep. Gullick

This bill allows the prosecution the same number of peremptory challenges as the defense in criminal cases. Currently, jury lists are prepared from the tape of persons holding valid driver's licenses or identification cards as well as from the list of registered voters; this bill provides that jury lists will be prepared solely from the list of registered voters.

H.3021 REVISIONS TO THE YOUTHFUL OFFENDER ACT Rep. Rutherford

This bill allows a person under the age of 21 who commits armed robbery to receive a youthful offender sentence not below a minimum of three years. This bill also revises the definition of a youthful offender to include persons who commit a broader range of criminal offenses.

**H.3022 NO FEE FOR DESTRUCTION OF CRIMINAL RECORDS WHEN A
CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT
Rep. Kirsh**

Under this bill, a circuit solicitor's office or clerk of court may not charge a fee for the destruction or expungement of records or for the application process when a charge is dismissed or the person is found innocent of the charge.

**H.3023 PROHIBITION ON SMOKING IN A VEHICLE WHEN A MINOR IS AN
OCCUPANT OF THE VEHICLE Rep. M.A. Pitts**

This bill provides that it is unlawful for a driver or occupant of a private or public passenger motor vehicle to smoke a tobacco product when a minor under the age of 18 is also an occupant of the motor vehicle. Violations are a misdemeanor.

H.3024 UNLAWFUL DISCHARGING OF A FIREARM Rep. Kirsh

This bill provides that it is unlawful for a person to discharge a firearm at or into the premises or property owned by a private or public school. A person who violates these provisions is guilty of a felony and, upon conviction, must be fined not more than \$1,000 dollars or imprisoned not more than 15 years, or both. The bill also increases the maximum penalty for unlawful discharging of a firearm at or into other dwellings from ten to 15 years.

**H.3025 REVISIONS TO THE PROTECTION OF PERSONS AND PROPERTY
ACT Rep. Limehouse**

This bill provides that persons have a right to protect themselves, their families, and others from the commission of a criminal sexual conduct offense. Relating to the presumption of reasonable fear of imminent peril of death or great bodily injury when the use of deadly force is justified, this bill specifically includes the reasonable fear of the commission of a criminal sexual conduct offense.

H.3026 PARENTAL RIGHTS FOR CERTAIN SEX OFFENDERS Rep. Kirsh

This bill provides that a person convicted of a criminal sexual conduct offense does not have custody rights of or rights of inheritance from a child born as result of the offense. The bill further provides that it is unlawful for a defendant in a criminal proceeding to threaten a witness with the assertion or denial of parental rights.

H.3027 LOCATIONS WHERE SEX OFFENDERS MAY RESIDE Rep. Kirsh

This bill prohibits registered sex offenders from living within a one-mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical education center; or a public or private college or university. The bill outlines penalties for violations.

H.3028 FRIVOLOUS CHARGES Rep. Kirsh

If a judge dismisses the charge against a person or the person is found not guilty of the charge and the judge makes a finding that the charge is frivolous, this bill allows the judge to order court costs and other costs incurred by the person including, but not limited to, attorney's fees, public defender fees, and expungement fees to be paid by the person who brought the frivolous charge forward. The provisions do not apply to law enforcement officers or officers of the court.

H.3029 METHAMPHETAMINE AND COCAINE OFFENSES Rep. Kirsh

Relating to the possession, distribution, manufacture, and trafficking of methamphetamine or cocaine base, this bill provides that a person may be charged with manslaughter if the distribution or trafficking in the drug causes the death of the user. The bill further provides for an increase in the sentence if a person under the age of 18 is endangered or a law enforcement officer is injured by one of the hazards related to the manufacture of the drug.

H.3030 REVISIONS TO THE YOUTHFUL OFFENDER ACT Rep. G.M. Smith

This bill allows a person under the age of 21 who commits armed robbery to receive a youthful offender sentence not below a minimum of three years. This bill also revises the definition of a youthful offender to include persons who commit a broader range of criminal offenses.

H.3031 CIVIL NO-CONTACT ORDERS Rep. G.M. Smith

This bill establishes a procedure for the issuance of temporary and permanent civil no-contact orders under certain circumstances. Among other things, the bill provides for the duration of these orders as well as penalty for the violation of these orders.

H.3032 FORFEITURE OF BOND AND RECOGNIZANCE PROCEEDINGS

Rep. Hart

Relating to forfeiture of bond and recognizance proceedings, this bill provides that the State is entitled to estreat the bond or recognizance 180 days after the person's failure to appear in court.

H.3033 PROCEDURES FOR ISSUING A BENCH WARRANT FOR FAILURE TO APPEAR Rep. Hart

This bill provides that a judge may not issue a bench warrant for failure to appear unless the solicitor files an affidavit with the court to confirm that written notice of his intent to seek a bench warrant for failure to appear has been given to the defendant, his attorney, and the bond surety company. The bill also requires the court to hold a rule to show cause hearing before issuing the bench warrant.

H.3034 PROHIBITED ACTS REGARDING THE SALE OF BEER AND WINE

Rep. Hart

This bill prohibits the placement of portable containers or coolers containing beer or wine near doors used for entering or leaving a licensed establishment.

H.3036 REQUIREMENTS FOR APPLICANTS SEEKING A RETAIL PERMIT AUTHORIZING THE SALE OF BEER OR WINE Rep. Hosey

This bill requires that the building or premises to be used for the sale of beer or wine be inspected and certain documents be on file with the Department of Revenue (DOR), including the issuance of a certificate of occupancy and a fire inspection report, before DOR may issue or renew a retail beer or wine permit.

H.3038 DAMAGE AWARDS FOR INDIVIDUALS INJURED WHILE OPERATING MOTOR VEHICLES Rep. Kirsh

This bill prohibits the awarding of damages in favor of a person who is injured while operating his motor vehicle if (1) his injuries resulted from his operation of the vehicle, and (2) he did not have in effect for that vehicle the required financial security at the time the injury occurred.

H.3040 JOINT MILITARY AFFAIRS REVIEW COMMITTEE Rep. M.A. Pitts

This bill creates the Joint Military Affairs Review Committee to study, monitor, and make appropriate recommendations on all issues, legislation, and other actions necessary to sustain and develop South Carolina's military installations, communities, and defense-related businesses.

H.3043 PROHIBITION ON THE USE OF PUBLIC FUNDS FOR LOBBYING

Rep. Merrill

With certain exceptions, this bill prohibits the use of public funds to employ or contract with a person whose activities include those related to lobbying.

H.3045 PROHIBITION ON THE USE OF APPROPRIATED FUNDS FOR LOBBYING

Rep. Merrill

With certain exceptions, this bill prohibits the use of appropriated funds to employ or contract with a person whose activities include those related to lobbying.

H.3054 CHARITABLE ORGANIZATIONS

Rep. Kirsh

This legislation requires that at least 80 percent of the gross receipts from contributions a charitable organization solicits in South Carolina be used directly for the stated charitable purpose of the organization. Communication and advocacy are included as part of the defined charitable purpose.

H.3055 MISREPRESENTATION AS A STATE RECOGNIZED TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION

Rep. Cobb-Hunter

This bill prohibits a person or entity from knowingly and intentionally representing himself or itself as belonging to or being a state recognized tribe, group, or special interest organization if the person was not a member of a state recognized tribe, group, or special organization or the entity had not received state recognition by the Commission for Minority Affairs. Violations are misdemeanors.

H.3057 PROHIBITION ON THE USE OF PUBLIC FUNDS FOR LOBBYING

Rep. Merrill

This bill provides that it is unlawful for a state agency, authority, or department to directly or indirectly hire or retain an independent contractor as a lobbyist. These provisions do not include foundations established by state-sponsored universities or institutions of higher education which do not receive appropriated funds on an annual basis.

H.3058 "SOUTH CAROLINA VOTER ACCESSIBILITY ACT"

Rep. Govan

This bill requires the State Election Commission to establish a procedure by which a qualified elector may cast his ballot in person without excuse during an early voting period. This bill also establishes early voting centers to allow a registered county resident to vote outside his precinct.

H.3059 AMENDMENTS TO ELECTION LAWS

Rep. Herbkersman

As defined by South Carolina election law, the term "club district" means the territory of the general election voting place or precinct in which the political party club is formed, whether a ward or township or a subdivision. This legislation deletes the definition of the term "club district" as well as deletes references to this term from the election laws. This legislation also provides that all elected precinct committeemen may vote on questions before the county committee and that the chairman may vote in the case of a tie. An elected officer of the county committee who is not a precinct committeeman may vote de facto.

H.3060 EARLY VOTING

Rep. J.E. Smith

This bill requires the State Election Commission to establish a procedure by which a qualified elector may cast his ballot in person without excuse during an early voting

period. This bill also establishes early voting centers to allow a registered county resident to vote outside his precinct.

H.3062 REVISIONS TO DEFINITIONS FOR PURPOSES OF CAMPAIGN PRACTICES Rep. J.E. Smith

This bill amends the definition of "independent expenditure" to provide that expenditures by a party committee or legislative caucus committee which have the effect of advocating the defeat of a clearly identified candidate are deemed to be a contribution to the opponent. If there is more than one opponent to a candidate and each opponent shares the same political party, the contribution must be reported in equal shares as a contribution to each candidate. The legislation also provides that expenditures and contributions are subject to certain provisions of Chapter 13, Title 8 of the South Carolina Code of Laws. The bill further requires that affected entities are subject to the reporting and recordkeeping requirements under Article 13, Chapter 13, Title 8, from July 1, 2008, when the first report is due after the effective date of this act.

H.3065 TIME OFF TO VOTE IN ELECTIONS Rep. J.E. Smith

This legislation requires an employer to give an employee reasonable time off from work to vote in elections.

H.3066 CAMPAIGN DISCLOSURES AND REPORTS Rep. Ballentine

This bill provides that electronic filing of campaign disclosure and reports provisions applicable to statewide elections also apply to county, school board, and municipal elections. This bill also requires that certified campaign reports by candidates and committees must be filed 48 hours after their receipt starting after the filing of the pre-election report.

H.3067 CANDIDATE PROHIBITIONS Rep. Clemmons

This bill prohibits a candidate from filing more than one statement of intention of candidacy for a single election. The bill prohibits a candidate from being nominated by more than one political party for a single office in an election. The bill further prohibits a candidate's name from appearing on the ballot more than once.

H.3068 EARLY VOTING Rep. Rutherford

This bill requires the State Election Commission to establish a procedure by which a qualified elector may cast his ballot in person without excuse during an early voting period. This bill also establishes early voting centers to allow a registered county resident to vote outside his precinct.

H.3071 QUALIFICATIONS FOR A COUNTY CLERK OF COURT, AUDITOR, AND TREASURER Rep. G.M. Smith

This bill provides that a person is not eligible to hold the office of county clerk of court, auditor, or treasurer unless the person has: (1) obtained a four-year bachelor's degree from an accredited post-secondary institution; or (2) ten years experience in the areas in which the county clerk of court, auditor, or treasurer has responsibilities.

H.3073 VOTER REGISTRATION REQUIREMENTS Rep. Rutherford

This legislation requires the authority charged by law with conducting an election to provide a procedure by which a qualified elector may register and cast a ballot on the same day.

H.3074 MUNICIPAL ANNEXATION Rep. A.D. Young

When a municipality annexes property in a county that has a land use or zoning policy, plan, regulation, or ordinance and the municipality density allowance or regulations allow for a greater density than the county allows, then this bill provides that the county density requirement must remain in effect for five years after the annexation.

H.3075 MUNICIPAL SPECIAL ELECTIONS Rep. Kirsh

Relating to special elections to fill vacancies in office, this bill exempts municipal elections from certain requirements regarding the conduct of the election when only one person has filed for an office.

H.3076 KAYAKING, CANOEING, RAFTING, LIABILITY IMMUNITY Rep. Kirsh

This bill provides that a kayaking, canoeing or rafting activity sponsor or professional is not liable for an injury to or the death of a participant resulting from an inherent risk of these activities absent specified factors.

**H.3077 PROHIBITION ON THE USE OF PUBLIC FUNDS FOR LOBBYING
Rep. Kirsh**

With certain exceptions, this bill prohibits the use of public funds to employ or contract with a person whose activities include those related to lobbying.

H.3078 PROOFS OF IDENTITY FOR VOTING Rep. Rutherford

This bill adds a college identification card containing a photograph as another form of proof of identity authorized to be accepted when a person presents himself to vote.

**H.3082 PROHIBITION ON SMOKING IN A VEHICLE WHEN A PRESCHOOL
AGE MINOR IS AN OCCUPANT OF THE VEHICLE Rep. Clyburn**

This bill provides that it is unlawful for a driver or occupant of a motor vehicle to smoke a tobacco product while a child of preschool age is also an occupant of the motor vehicle. Violations are misdemeanors.

H.3085 SUSPENSION OF DRIVERS' LICENSES Rep. Kirsh

This bill pertains to driver's license suspension due to a conviction of a controlled substance violation and underage purchase and possession of alcohol offenses. Under this bill, if a person is accepted into a pretrial intervention program for either offense, the person's driver's license must be suspended.

H.3086 SCHOOL ZONES Rep. Kirsh

This bill makes it unlawful for a driver of a motor vehicle to fail to stop when signaled to stop by a road guard in a school zone. Penalties are established for failure to comply. The bill provides for the placement of signs in school zones that inform motorists of the hours a road guard is on duty and the penalty for failing to stop when a road guard signals a motorist to stop.

**H.3087 LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS
Rep. Brady**

Under this bill, a local government may not enact an ordinance that expands or contracts the boundaries of the areas in which a sex offender may or may not reside that are contained in state law.

H.3090 CAMPAIGN CONTRIBUTIONS BY CLOSELY HELD BUSINESS

ENTITIES UNDER SHARED CONTROL Rep. Kirsh

Relating to campaign contribution limits and restrictions, this bill provides that closely held business entities under shared control must be held to a single, maximum aggregate campaign contribution limit.

H.3091 SMOKING PROHIBITIONS Rep. King

This bill prohibits smoking in restaurants and places licensed to sell alcoholic beverages for on-premises consumption. The bill also provides a civil penalty for smoking violations.

H.3092 CAMPAIGN PRACTICES DEFINITIONS Rep. Lucas

Relating to campaign practices definitions, this bill provides that the term "contribution" does not include certain things of value used to pay for communications made more than 45 days before an election to influence the outcome of an elected office.

H.3093 CAMPAIGN CONTRIBUTIONS LIMITS Rep. E.H. Pitts

This bill eliminates certain campaign contribution limits.

H.3098 DISTRIBUTION OF FINES FOR UNLAWFULLY PASSING A STOPPED SCHOOL BUS Rep. Cobb-Hunter

This bill provides that all fines imposed for unlawfully passing a stopped school bus must be used to establish scholarships at the University of South Carolina School of Medicine and the Medical University of South Carolina to train medical students in the field of trauma medicine.

H.3099 COURT ORDERED PARENT-TEACHER CONFERENCES FOR DISRUPTIVE STUDENT BEHAVIOR Rep. Kirsh

This bill authorizes a school board to petition family court to require a parent or legal guardian of a student who habitually exhibits disruptive behavior in the classroom to attend a parent-teacher conference.

H.3106 PRICE GOUGING DURING AN EMERGENCY Rep. Simrill

This bill increases the fine for price gouging during an emergency to not more than \$5,000 dollars.

H.3110 COURT ORDERED PARENT-TEACHER CONFERENCES FOR DISRUPTIVE STUDENT BEHAVIOR Rep. Kirsh

This bill authorizes a school board to petition family court to require a parent or legal guardian of a student who habitually exhibits disruptive behavior in the classroom to attend a parent-teacher conference.

H.3113 EXPANDED SMOKING PROHIBITIONS Rep. Rutherford

Among other things, this bill extends the smoking prohibitions provided for in the "Clean Indoor Act of 1990" to restaurants, bars, lounge areas, and recreational facilities. This legislation allows school district boards of trustees, district superintendents, and principals or chief administrators of a school to adopt smoking restrictions that are more stringent than the requirements of these provisions, including prohibiting smoking in private offices and teacher lounges or in areas that are not enclosed and are located on the public school or preschool campus or providing for a smoke-free campus.

H.3117 ORDERS FOR PROTECTION FROM DOMESTIC ABUSE Rep. Cobb-Hunter

This bill provides that the court may prohibit harm or harassment to a pet animal owned, possessed, kept, or held by the petitioner for an order of protection from domestic abuse. The bill further provides that in ordering temporary possession of personal property, the court may order the temporary possession of pet animals.

H.3118 SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM Rep. Kirsh

This bill authorizes the South Carolina Guardian ad Litem Program to intervene in an abuse or neglect proceeding in order to petition the court to relieve a guardian ad litem from appointment when, in the program's opinion, the guardian ad litem is not complying with the law or is acting contrary to the best interests of the child. This bill also provides that reports and information maintained by a guardian ad litem are confidential.

H.3123 UNAUTHORIZED PRACTICE OF LAW Rep. J.E. Smith

Relating to the prohibition against any person practicing or soliciting the cause of another person in a court of this state unless he has been admitted and sworn as an attorney, this bill provides that the person must be enrolled as a member of the South Carolina Bar in order to practice law or solicit the legal cause of another. The bill further provides that the practice of law shall be defined by the Supreme Court prior to any charge being filed pursuant to this section.

H.3126 MEETINGS OF THE GOVERNOR Rep. J.E. Smith

This bill provides that meetings of the Governor with agency or department heads he appoints together with any other public officials or employees invited to attend must be open to the public in the same manner and under the same conditions that meetings of public bodies must be open to the public under the Freedom of Information Act.

H.3127 ADJOURNMENT OF THE GENERAL ASSEMBLY Rep. J.E. Smith

This bill provides for sine die adjournment of the General Assembly on the first Thursday of May rather than the first Thursday in June. In any year that the House of

Representatives fails to give third reading to the annual General Appropriation Bill by the last Thursday in February, the date of sine die adjournment is extended by one statewide day for each statewide day after the last Thursday in February that the House fails to give the bill third reading. The bill deletes any other authority to extend the session.

H.3128 STATE PORTS AUTHORITY Rep. Merrill

This bill provides that the State Ports Authority on July 1, 2009, shall be governed by a director appointed by the Governor, upon the advice and consent of the Senate. On July 1, 2009, the governing board of the authority and the position of president and chief executive officer are dissolved and their powers and duties assumed by the director appointed by the Governor.

H.3129 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO SESSIONS OF THE GENERAL ASSEMBLY Rep. J.E. Smith

This joint resolution proposes to amend the State Constitution so as to provide for annual sessions of the General Assembly beginning on the second Tuesday in February rather than the second Tuesday in January of each year.

H.3130 DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE APPRAISED AS A RESULT OF AN ASSESABLE TRANSFER OF INTEREST Rep. Harvin

This bill provides that a conveyance to a trust does not constitute an assessable transfer of interest in the real property if the settlor or settlor's spouse conveys the property to a trust the beneficiaries of which are a child or children of the settlor or the settlor's spouse. The bill further provides that a conveyance by distribution under a will or by intestate succession does not constitute an assessable transfer of interest in the real property if the distributee is a child or children of a decedent and the decedent did not have a spouse at the decedent's date of death.

H.3135 ESTABLISHMENT OF THE CRIMES OF VEHICULAR HOMICIDE AND VEHICULAR GREAT BODILY INJURY Rep. Allison

This bill establishes the crimes of vehicular homicide and vehicular great bodily injury as well as provides penalties for both crimes.

H.3136 OFFICE OF MOTOR VEHICLES HEARINGS Rep. Harrison

Among other things, this bill replaces the term "administrative hearing" with the term "contested hearing" with regards to certain hearings before the Office of Motor Vehicles.

H.3137 ANIMAL CONTROL OFFICERS Rep. Harrison

This bill provides that an animal control officer has the same powers and duties as a litter control officer.

H.3139 DEADLINE FOR ACCEPTING AN APPLICATION FOR AN ABSENTEE BALLOT Rep. Bedingfield

This bill provides that the deadline for accepting an application for an absentee ballot for a qualified elector who appears in person is changed from the day before the election to six days before the election.

H.3140 PARTICIPATION IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM Rep. G.R. Smith

Among other things, this bill prohibits a person from voting in a partisan primary election or partisan advisory referendum unless he has registered as being a member of that party. These provisions do not apply to a partisan presidential preference primary. The bill requires a statement of party affiliation, if any, for voter registration. The State Election Commission must assist the county entities charged by law with registering electors with capturing the data and maintaining a list of all electors registered by party affiliation.

H.3142 VOTING PRECINCTS AND VOTING PLACES Rep. Whipper

Among other things, this bill prohibits a voting place from being established in a location that is gated, guarded, or where access is controlled by other than a polling place manager.

H.3143 ABSENTEE VOTING Rep. Rutherford

This bill provides that a qualified elector meeting certain requirements must be permitted to vote by absentee ballot by mail. The bill further provides that a qualified elector must be permitted to vote by absentee ballot in an election in which he is entitled to vote for any reason if the qualified elector appears in person to cast an absentee ballot as provided by law.

H.3145 PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO THE APPOINTMENT RATHER THAN THE ELECTION OF CERTAIN STATEWIDE OFFICERS Rep. Gunn

Among other things, this joint resolution proposes to delete the Adjutant General, Commissioner of Agriculture, Comptroller General, Secretary of State, and Superintendent of Education from the list of state officers which the constitution requires to be elected. The joint resolution provides that upon the expiration of the terms of these officers serving in office on the date of the ratification of this provision, they must be appointed by the Governor, upon the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason.

H.3147 "SOUTH CAROLINA RESTRUCTURING ACT" Rep. G.R. Smith

This comprehensive legislation restructures state government by adding a Department of Administration under the executive branch. Among other things, the legislation provides for legislative oversight of executive departments.

H.3152 EMERGENCY VEHICLES Rep. G.M. Smith

This bill provides instructions on how a driver of a motor vehicle that is approaching certain parked emergency vehicles or police vehicles must proceed. The legislation includes penalties for violations.

H.3153 VEHICLE PARTS/SCRAP METAL Rep. Harrison

This bill makes all the duties of a demolisher who acquires a vehicle applicable to a demolisher who acquires parts of a vehicle with a total weight of 25 pounds or more. The bill requires a demolisher to maintain in his records of all vehicles he acquires a photocopy of the person's identification card from whom he acquired the vehicle along with the year, make, and identification number of the vehicle or any other identifying features. The bill provides a penalty for violations of these provisions. This bill also provides that for purchases of junk that consists of certain amounts of scrap metal or vehicle parts that the person must maintain in his records a photocopy of the seller's picture identification card; the bill increases penalties for violations relating to these provisions.

**H.3160 UNLAWFUL TRANSPORTATION OF NONFERROUS METALS
Rep. Harrison**

This bill makes it unlawful for a person to transport nonferrous metals under certain circumstances unless the person possesses a bill of sale signed by certain designated retail, wholesale, or dealers of certain metals.

**H.3161 OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE
ADMINISTRATIVE LAW COURT Rep. Harrison**

This bill requires the Office of Motor Vehicle Hearings within the Administrative Law Court to employ certain professional and support staff. Relating to the filing fee to request an administrative hearing, the bill increases the filing fee from \$150 to \$200 dollars and provides for the distribution of funds collected.

H.3163 MUNICIPAL COURTS Rep. King

This legislation requires the council of each municipality to establish a municipal court, employ one or more full-time municipal judges, and maintain normal business hours. This legislation also requires a municipal judge to be a resident of the county in which the municipality is located.

**H.3164 CREATION OF THE OFFENSES OF UNLAWFULLY PROVIDING
BEER
OR WINE, OR ALCHOLIC LIQUORS TO A PERSON UNDER THE AGE
OF TWENTY-ONE WHEN DEATH RESULTS Rep. Bedingfield**

This bill creates the offenses of unlawfully providing beer or wine, or alcoholic liquors to a person under the age of 21 when death results. Penalties for both offenses are felonies.

H.3165 GRANDPARENT VISITATION Rep. King

If the family court finds that a child's parents are depriving grandparents visitation with the child and that it is in the child's best interest to have visitation with the grandparents, then this bill authorizes the family court to order visitation under certain circumstances.

**H.3166 EXPANSION OF NO PAROLE OFFENSES AND "MIDDLE COURT
PROCESSES ACT" Rep. G.M. Smith**

This bill expands the definition of the term no parole offense so as to eliminate parole for most offenses. These provisions do not affect the Youthful Offender Act. The legislation also establishes the "Middle Court Processes Act." The stated purpose of a statewide middle court process is to promote the rehabilitation and reentry of certain nonviolent

offenders into society and reserve the state's prisons for those dangerous offenders and others for whom prison is the best alternative in the criminal justice system.

H.3167 COMMON LAW MARRIAGE Rep. Whipper

Under this bill, common law marriage in the State may not be recognized on and after January 1, 2010; an exception is provided for common law marriages existing as of December 31, 2009. The bill also repeals a code section relating to the validity of a marriage contracted without the issuance of a license.

H.3168 SOUTH CAROLINA TORT CLAIMS ACT Rep. Whipper

Relating to the South Carolina Tort Claims Act and instituting an action, this bill provides that certain causes of action must be filed in magistrates' court. This bill provides that a state agency or political subdivision may be represented in these actions in magistrates' court by certain representatives.

H.3169 HATE CRIMES Rep. Whipper

This bill provides penalties for a person convicted of a crime with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, or sexual orientation. This bill also revises the penalties for malicious injury to real property offenses so as to provide additional penalties for persons who maliciously injure personal or real property of another person with the intent to assault, intimidate, or threaten that person.

H.3171 "MILITARY PARENT EQUAL PROTECTION ACT" Rep. J.E. Smith

This bill provides that military service shall not be considered a change in circumstance for purposes of child custody and visitation. The bill further provides that the custodial nonmilitary parent must reasonably accommodate the military parent's leave schedule. The bill authorizes family court to hold an expedited temporary hearing to ensure that the military parent has access to a minor child, and it provides that an increase or decrease in earning capacity due to military service is not considered a permanent change. Under the bill, a service member entitled to a stay pursuant to the Service Members Civil Relief Act may seek relief and provide testimony by electronic means under certain conditions.

**H.3172 CIVIL ACTIONS AGAINST AN EMPLOYING PUBLIC BODY FOR
RETALIATION AGAINST AN EMPLOYEE WHO REPORTS A
VIOLATION OF STATE OR FEDERAL LAW OR REGULATION
Rep. Whipper**

This bill changes the maximum amount of actual damages an employee may recover from \$15,000 dollars to \$300,000 dollars and removes the limit on the amount of attorney fees that a court may award.

H.3173 CAMPAIGN PRACTICES Rep. Miller

Relating to definitions of campaign practices, this bill provides that anything of value given to make communications more than 45 days before an election to influence the outcome of an elected office is subject to the provisions of §8-13-1302 and §8-13-1308.

H.3182 COMPENSATION OF A GUARDIAN AD LITEM Rep. J.R. Smith

This bill provides that a party who is indigent may not be required to pay a guardian ad litem fee.

H.3183 PUBLIC NOTICE WEBSITE Rep. M.A. Pitts

This bill authorizes the publication of certain public notices, legal notices, and advertisements through a public notice website. The bill establishes requirements and procedures for a public notice website provider.

**H.3189 CAMPAIGN CONTRIBUTIONS BY CLOSELY HELD BUSINESS
ENTITIES UNDER SHARED CONTROL Rep. Kirsh**

Relating to campaign contribution limits and restrictions, this bill provides that closely held business entities under shared control must be held to a single, maximum aggregate campaign contribution limit.

H.3190 PRENUPTIAL AGREEMENTS Rep. Delleney

Under this bill, the family court has exclusive jurisdiction to interpret a prenuptial agreement and may approve a prenuptial agreement prior to a marriage.

**H.3192 SOUTH CAROLINA SUNSET COMMISSION AND A SUNSET REVIEW
DIVISION OF THE LEGISLATIVE AUDIT COUNCIL Rep. Rice**

This bill establishes the South Carolina Sunset Commission and a Sunset Review Division of the Legislative Audit Council. The bill outlines procedures by in which the programs of certain agencies and departments of state government must be evaluated to determine if they should be continued in existence, modified, or terminated.

**H.3195 ILLEGAL FOR A PERSON ENGAGED IN THE BUSINESS OF
SELLING**

**TOBACCO PRODUCTS TO SHIP OR TRANSPORT A CIGARETTE TO
A PERSON IN THIS STATE WHO IS NOT A LAWFUL RECIPIENT
Rep. R.L. Brown**

This legislation provides that it is illegal for a person engaged in the business of selling tobacco products to ship or transport a cigarette to a person in this state who is not a lawful recipient. Among other things, the legislation defines the term "lawful recipient" and requires proof of age by a lawful recipient, as well as imposes civil penalties for violations.

H.3196 JUDICIAL MERIT SELECTION COMMISSION Rep. A.D. Young

This bill removes the limitation that the Judicial Merit Selection Commission may nominate only three candidates and requires the commission to instead release a list of the names of all candidates it finds qualified for office.

H.3197 DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Rep. Lucas

Currently, the Department of Health and Environmental Control is supervised by the Board of Health and Environmental Control. This bill deletes references to the board and instead provides the department must be managed and operated by a director appointed by the Governor, upon the advice and consent of the Senate. The director is subject to removal by the Governor. Numerous statutes are amended to conform to these provisions.

H.3198 PREREQUISITES FOR THE PERFORMANCE OF AN ABORTION

Rep. Delleney

This bill provides that a physician who performs an ultrasound prior to performing an abortion must inform the woman of the probable gestational age of the embryo or fetus and that the woman has the right to view the ultrasound images. Upon request the physician must show the images to the woman and provide a medical explanation of the images, including the presence of organs and external members. The bill provides that the woman must certify in writing before the abortion is performed that she has been informed of her right to view the images. The bill provides that an abortion may not be performed sooner than one hour after an ultrasound is performed. Parents of an unemancipated minor must make the certification regarding, among other things, the right to view ultrasound images. The provisions relating to viewing ultrasound images do not apply to a person adjudicated to be incompetent. Relating to materials that the Department of Health and Environmental Control must publish regarding abortions and assistance for pregnant women, this bill requires that the material include a list of facilities that provide ultrasounds free of charge.

H.3199 "THE BEHAVIORAL HEALTH SERVICES ACT OF 2009"

Rep. Harrison

The legislation enacts "The Behavioral Health Services Act of 2009." It eliminates the Department of Alcohol and Other Drug Abuse Services and the Department of Mental Health and consolidates their powers and duties within a newly-created Department of Behavioral Health Services, which is charged with developing and implementing a plan for the coordinated care and unified delivery of behavioral health services.

H.3201 JUVENILES' WAIVER OF COUNSEL Rep. Whipper

Among other things, this bill provides that a child or the child's parent or guardian may not waive the child's right to counsel when the family court proceeding may result in detention or confinement of the child.

LABOR, COMMERCE AND INDUSTRY

H.3035 DEFERRED PRESENTMENT SERVICES MADE UNLAWFUL

Rep. Hosey

This bill repeals the South Carolina Deferred Presentment Services Act, creates the crime of engaging in the business of deferred presentment services, and establishes penalties for violations.

**H.3039 TELEPHONE UTILITIES REQUIRED TO PROVIDE COUNTYWIDE
TOLL-FREE CALLING Rep. Kirsh**

This bill provides that, unless otherwise prohibited by law, the Public Service Commission shall require countywide toll-free calling to be provided by all telephone utilities operating within a county by July 1, 2009.

H.3042 MIXED MARTIAL ARTS LEGALIZED Rep. Merrill

This bill legalizes the combative sport of mixed martial arts in South Carolina, and provides for the manner in which the State Athletic Commission is to supervise and regulate mixed martial arts competitions. The legislation repeals a provision relating to ultimate fighting events as being unlawful.

**H.3046 HOUSE RESOLUTION CREATING A WIND ENERGY PRODUCTION
FARMS FEASIBILITY STUDY COMMITTEE Rep. Merrill**

This House Resolution creates a study committee to determine the feasibility of establishing wind energy production farms in South Carolina. The legislation provides for the study committee's membership and requires the committee to report its findings and recommendations to the Speaker of the House of Representatives before January 1, 2010, at which time the study committee is abolished.

**H.3048 LIMITATIONS ON DEFERRED PRESENTMENT SERVICES
Rep. Clemmons**

This bill revises licensure requirements for the business of deferred presentment services, so as to prohibit a nonresident from engaging in those services in this state without a license and to further differentiate between a person required to be licensed and a bona fide state or federally chartered bank, thrift, savings association, or credit union. The legislation revises restrictions and requirements for deferred presentment or deposit of a check, so as to cap the annual interest rate chargeable at thirty-six percent. The legislation limits the licensee to one contract with a customer at a time. The legislation revises civil penalties for violations, so as to: void a violating contract; provide for damages; designate a violation an unfair trade practice; provide that penalties are cumulative of all remedies, both legal and equitable; prohibit the enforcement of an unconscionable arbitration provision; and, outline factors for determining unconscionability.

**H.3049 TERMINATION OF MORTGAGE INSURANCE REQUIRED FOR
CONSUMER HOME LOAN TRANSACTIONS Rep. Toole**

This bill establishes the circumstances under which a lender who required mortgage insurance in connection with a consumer home loan transaction is required to terminate the acceptance of mortgage insurance premium payments and return escrowed mortgage insurance premiums.

**H.3050 ENGAGING IN DEFERRED PRESENTMENT SERVICES
DESIGNATED**

A FELONY OFFENSE Rep. King

This bill repeals the South Carolina Deferred Presentment Services Act and creates the crime of engaging in the business of deferred presentment. The legislation provides that a violation is a felony and establishes a mandatory minimum penalty.

**H.3053 COUNTY AND MUNICIPAL BUSINESS LICENSE TAX REQUIRED TO
BE BASED ON THE SIZE OF THE BUSINESS Rep. Merrill**

This bill provides that county and municipal business license taxes must be imposed based upon the size of the business and not upon its gross income.

**H.3056 LIMITATIONS ON DEFERRED PRESENTMENT TRANSACTIONS
Rep. Hart**

This bill revises provisions relating to charges permitted and other provisions allowed in consumer finance transactions, so as to exclude "payday loans", known as deferred presentment transactions. The legislation revises provisions requiring licensing of a person engaged in the business of deferred presentment transactions, so as to make these provisions applicable to a person actually engaged in that business while purporting to act as an entity that would not be required otherwise to be licensed. The legislation revises restrictions and requirements for deferred presentment, so as to limit the number and the amount of a transaction for each customer and to cap the annual interest rate chargeable in a deferred presentment transaction to thirty-six percent. The legislation revises provisions relating to limitations on licenses, so as to restate the limit of one contract with a customer at a time. The legislation revises provisions relating to the allowable loan finance charge for consumer loans and the posting of a maximum rate schedule for consumer loans, so as to exclude the applicability of these provisions to a deferred presentment transaction.

H.3063 "PHARMACY PATIENT PROTECTION ACT" Rep. Spires

This bill enacts the "Pharmacy Patient Protection Act" to provide for the licensure and registration of pharmacy benefit managers. The legislation provides for the requirements of a certificate of registration and for the conditions under which a prescription benefits manager shall operate. The legislation requires certain financial and utilization information be made available for review and establishes requirements for record keeping. The legislation provides for pricing guidelines that must be used. The legislation provides that a pharmacy benefits manager may not discriminate when contracting with pharmacies on the basis of co-payments or days of supply. The Director of the Department of Insurance is authorized to make rules and promulgate regulations to implement the legislation.

**H.3064 NURSING HOMES REQUIRED TO CARRY LIABILITY INSURANCE
Rep. Hart**

This bill provides that a nursing home shall, as a condition of licensure, obtain and carry a liability insurance policy in the amount of at least one hundred thousand dollars.

**H.3079 COUNTYWIDE TOLL-FREE CALLING REQUIRED FOR ALL
TELEPHONE UTILITIES OPERATING WITHIN YORK COUNTY**
Rep. Kirsh

This bill provides that The Public Service Commission shall require countywide toll-free calling to be provided by all telephone utilities operating within York County by July 1, 2009.

**H.3081 REQUIREMENTS FOR MOTOR VEHICLES EQUIPPED WITH EVENT
DATA RECORDERS OR SENSING AND DIAGNOSTIC MODULES**
Rep. Hart

This bill provides that a manufacturer of a new motor vehicle that is sold or leased in this state which is equipped with an event data recorder or a sensing and diagnostic module shall disclose this information in the motor vehicle's owner's manual and on its window sticker. The legislation requires a company that rents a motor vehicle equipped with such recording devices must disclose their existence in the rental agreement. The legislation provides a definition for the term "recording device" and restricts the use of certain data obtained by a recording device. The legislation provides that if a vehicle is equipped with a recording device that is capable of recording or transmitting certain information and that capability is part of a subscription service, the fact that the information may be recorded or transmitted must be disclosed in the subscription service agreement.

**H.3089 CONTRACTOR BILLING REQUIREMENTS FOR CONSTRUCTION OR
OTHER BUILDING SERVICES PERFORMED FOR STATE OR LOCAL
GOVERNMENT** **Rep. Hosey**

This bill provides that, if a general contractor or specialty contractor licensed by this State provides construction or other building services to a client which is a state or local government agency, department, or entity, the contractor must send copies of all bills or draw requests to each agency or department occupying or to occupy the building or structure as well as to the agency or department responsible for paying the bill or draw request if different for the purpose of verifying the work performed.

**H.3116 FINANCIAL REQUIREMENTS FOR GROUP FOUR MECHANICAL
CONTRACTORS** **Rep. Spires**

This bill revises provisions relating to contractors' financial statements, net worth requirements, and financial limitations on bids and jobs, so as to increase for Group Four Mechanical Contractors the bid and job limitation from one hundred twenty-five thousand dollars to five hundred thousand dollars and the net worth requirement from twenty-five thousand dollars to seventy-five thousand dollars.

**H.3141 REQUIRED LIABILITY AND CASUALTY INSURANCE COVERAGE
DISCLOSURES Rep. Whipper**

This bill requires liability or casualty insurance coverage disclosures to a claimant or his authorized representative if the request is made in writing, and establishes procedures required for these disclosures.

**H.3149 MUNICIPALITIES REQUIRED TO DEDICATE WATER AND SEWER
MAINTENANCE FEES EXCLUSIVELY TO THE MAINTENANCE OF
THESE SERVICES Rep. E. H. Pitts**

This bill provides that a municipality that collects a water or sewer maintenance fee is required to expend monies from these fees to maintain the water or sewer systems and these fees may not be used for other purposes.

**H.3157 RESTRICTIONS ON DEFERRED PRESENTMENT SERVICES
Rep. Whipper**

This bill revises provisions relating to application for licensure as a deferred presentment service, so as to provide that the Board of Financial Advisors notify the office of the Secretary of State of the name and address of each licensee. The legislation revises qualifications for licensure as a deferred presentment service, so as to provide that the applicant may not place a licensed location within a three-mile radius of an existing licensed location or the location of a check-cashing service. The legislation revises restrictions and requirements for presentment or deposit, so as to limit the aggregate total of advanced monies to one customer in any thirty-one day period to three hundred dollars. The legislation provides that the books, accounts, and records of a deferred presentment service, must be accessible by the Department of Consumer Affairs.

**H.3159 COMMON DATABASE OF DEFERRED PRESENTMENT
TRANSACTIONS AND RESTRICTIONS ON DEFERRED
PRESENTMENT
SERVICES Rep. Gunn**

This bill requires the Consumer Finance Division of the Board of Financial Institutions to implement a common database of deferred presentment transactions to be accessed by deferred presentment providers in order to verify if an applicant has an existing or recently terminated deferred presentment transaction for purposes of determining eligibility to enter into a new transaction. The legislation provides for the information required for the database and allows for a fee up to one dollar for submitted data. The legislation establishes provisions to prohibit misleading advertising on the premises of a deferred presentment provider. The legislation prohibits a new deferred presentment transaction with a person who has an existing transaction, an extended payment plan, or has ended a transaction earlier than seven days from application. The legislation establishes provisions for the submission of and access to information in the common database and provides for fees and confidentiality requirements. The legislation provides for an extended payment plan for payment of an outstanding deferred presentment transaction under required terms. The legislation requires an annual report of these transactions by the Board of Financial Institutions to the General Assembly. The legislation revises licensure requirements in connection with a person engaging in the business of deferred presentment services, so as to prohibit business in this state without a license, to further differentiate between a person required to be licensed and a bona fide state or federally chartered bank, thrift, savings association, or credit union, and to require compliance with state and federal law when acting for a third party lender. The legislation increases the license application fee and annual renewal fee from two

hundred fifty dollars to five hundred dollars and the multiple location fee from fifty dollars to one hundred dollars. The legislation prohibits an electronic funds transfer for automatic payment of a deferred presentment transaction. The legislation revises restrictions and requirements for a deferred presentment transaction, so as to limit the total amount advanced to the lesser of five hundred dollars or twenty-five percent of the customer's gross income during the loan period. The legislation requires disclosure of the nature of the transaction and the customer's rights. The legislation prohibits a loan to a person who is engaged in an extended payment plan. The legislation provides for forms for calculation of permissible loan amounts. The legislation revises limitations on licensees, so as to require compliance with law when acting for a third-party lender.

H.3174 UNFAIR TRADE PRACTICE TO ADVERTISE A PRICE FOR A PRODUCT THAT REFLECTS A DISCOUNT REQUIRING SUBMISSION OF A COUPON Rep. Toole

This bill provides that it is an unfair trade practice to advertise a price for a product that reflects a discount requiring a buyer to submit a coupon to the manufacturer for a cash rebate in order to obtain the advertised price. A civil cause of action is provided for a violation.

H.3187 MECHANICS' LIEN ON REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO A LANDSCAPE SERVICE Rep. Chalk

This bill defines the term "landscape service" and provides that a person who furnishes a landscape service on a parcel or real estate by virtue of an agreement with the owner of the real estate, and to whom a debt is due for his performance of the landscaping service, has a mechanics' lien on the real estate to secure payment of debt due to him.

H.3188 OFFSHORE DRILLING FOR OIL AND NATURAL GAS Rep. Skelton

This bill provides that a person may explore the economic feasibility of drilling and producing oil or natural gas in the Atlantic Ocean within the territorial jurisdiction of this State by surveying a prospective offshore drilling and production site, if he obtains an applicable exploration permit from the South Carolina Department of Health and Environmental Control. The legislation provides that a person who consequently demonstrates this economic viability to the department may drill for and produce oil or natural gas at that site, subject to certain permitting and other requirements.

H.3194 OFFSHORE DRILLING FOR OIL AND NATURAL GAS Rep. Duncan

This bill defines offshore drilling and provides for the manner in which portions of lease or royalty payments paid by persons permitted to engage in offshore drilling in the Atlantic Ocean within South Carolina's territorial waters that accrue to the benefit of this state must be allocated and expended.

H.3204 "HEALTHY COMMUNITIES CAPACITY ACT" Rep. Whipper

This bill enacts the "Healthy Communities Capacity Act." The legislation establishes the Small Business Health Insurance Premium Assistance Program within the Department of Health and Human Services to provide health insurance premium assistance to small businesses for employees who are at or under two hundred percent of the federal poverty level. The legislation establishes eligibility criteria for small businesses to participate in the program. Eligible employees are required to contribute up to fifteen percent of the premium cost. The legislation requires the department to place caps on the number of employees that may enroll in the program so that no more funds are expended than are available for this program from the Medicaid Match Fund. The

legislation provides that this program must be funded from a portion of an additional 4.65 cents per cigarette license tax which must be adjusted annually based on the Consumer Price Index. The legislation directs the department to apply for a Medicaid waiver to implement this program. The legislation provides that the department shall provide Medicaid coverage to children eighteen years of age and younger whose family incomes do not exceed two hundred percent of the federal poverty level. The legislation creates the Medicaid Match Fund into which a portion of the additional cigarette tax must be deposited. The legislation provides for an additional 4.65 cent license tax on each cigarette to fund the Small Business Health Insurance Premium Program and provides for the distribution of the remaining portion of this additional tax to the Department of Health and Environmental Control, the Parks and Recreation Development Fund, the State Department of Education, and the Department of Agriculture. The legislation establishes the Second Chance Quit Assistance Program within the Department of Health and Human Services to provide additional counseling to expanded smoking cessation services for Medicaid smokers who have unsuccessfully attempted to quit smoking under current Medicaid programs. The legislation directs the department to apply for a Medicaid waiver for this program. The legislation provides that funding for this program must be provided from the Medicaid Match Fund. Under the legislation, funding for the Small Business Health Insurance Premium Assistance Program takes priority over the Second Chance Quit Assistance Program.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3115 *COMMUNITY RESIDENTIAL CARE FACILITIES* Rep. Kirsh

This bill outlines that the Department of Health and Environmental Control cannot order a removal of a resident from such a facility if the resident, family member, physician and the facility agree to the resident's continued stay and if the facility is capable of providing or obtaining necessary services.

H.3158 *"PHYSICAL FITNESS SERVICES ACT"* Rep. Whipper

This bill deletes tanning centers as an applicable service under the "Physical Fitness Services Act" as well as excludes martial arts studios. The bill recognizes the permanent closure of a facility as a qualifying event for contract cancellation with conditions. In addition it outlines additional contract provisions that are enforceable by the Department of Consumer Affairs and the Attorney General's Office.

H.3170 *JOINT ELECTRONIC HEALTH INFORMATION STUDY COMMITTEE* Rep. Gunn

This bill creates the Joint Electronic Health Information Study Committee. This committee shall study factors affecting the adoption of health information technology in South Carolina, including but not limited to, the current rate of use of health information technology and electronic personal health records and factors impeding the increased use of health information. The committee is comprised of 12 members of whom six members are appointed by the Governor; three are appointed by the House of Representatives and three appointed by Senate. The committee's findings and recommendations are to be provided to the General Assembly before January 1, 2010, at which time the study committee is abolished.

H.3184 PUBLIC HEALTH SAFETY STANDARDS FOR RETAIL FOOD ESTABLISHMENTS Rep. Viers

This bill requires retail food establishments and innkeepers to semi-annually screen all employees to determine if an employee is infected with a communicable disease that can be transmitted by food or carries an organism that causes a communicable disease that can be carried by food. In addition, persons known to be infected with a communicable disease that can be transmitted by food cannot be employed. The bill also requires the results from the employee screenings to be kept for a period of five years from the date of the screening.

H.3185 REPORTING OF CERTAIN CONTAGIOUS AND INFECTIOUS DISEASES Rep. Viers

This bill adds the parasite, cysticercosis, to DHEC's list of diseases considered contagious and infectious. The Department must also designate this parasite for mandatory reporting by physicians.

H.3186 "LICENSURE OF IN-HOME CARE PROVIDER ACT" Rep. Chalk

This legislation requires an in-home care provider to apply for and obtain a license from the Department of Health and Environmental Control for a fee established by the department. An in-home care provider is defined as a person or business that directly provides in-home care services through its own employees or through contractual arrangements. The legislation outlines what services are included and excluded as in-home care. In addition, the department must provide for specific regulations and requirements for the in-home care license.

H.3193 PHYSICAL FITNESS SERVICES CONTRACT Rep. Huggins

Under the current law, a credit contract is not required for personal training, private consultations and fitness testing rendered hourly unless they are part of a package over three hundred dollars. This bill increases the package amount to one thousand dollars or more.

H.3205 “HEALTH FACILITY LICENSURE ACT” Rep. Toole

This bill deletes all provisions relating to the State Certification of Need Program for health facilities carried out by the Department of Health and Environmental Control.

WAYS AND MEANS

**H.3007 POSTPONEMENT OF THE TRANSFER VALUE OF UNIMPROVED
PROPERTY UNDER THE REAL PROPERTY VALUATION REFORM
ACT**

Rep. Gunn

This bill revises provisions for determining the fair market value of real property for purposes of the South Carolina Real Property Valuation Reform Act, so as to postpone the implementation of the transfer value of a parcel of real property unimproved since the last countywide reassessment program until the time of implementation of the next countywide reassessment program.

**H.3009 ELIMINATION OF THE TEACHER AND EMPLOYEE RETENTION
INCENTIVE (TERI) PROGRAM Rep. Kirsh**

This bill provides for the Teacher and Employee Retention Incentive (TERI) Program to be closed to new participants effective July 1, 2009. The legislation repeals the TERI Program effective July 1, 2014, for all purposes except the distribution of program accounts existing on that date.

**H.3010 STATE INDIVIDUAL INCOME TAX CREDIT TO SUPPLEMENT THE
FEDERAL EARNED INCOME TAX CREDIT Rep. Cobb-Hunter**

This bill provides for a refundable state individual income tax credit equal to ten percent of the federal earned income tax credit. The legislation provides for the amount of this state individual income tax credit to be increased annually in increments of two and one-half percent until the credit equals twenty percent.

**H.3011 STATE SALES TAX EXEMPTION ON GROCERIES EXTENDED TO
LOCALLY-IMPOSED SALES TAXES Rep. Kirsh**

This bill revises provisions for the local option sales tax, the capital project sales tax, the personal property tax exemption sales tax, and the transportation infrastructure sales tax, so as to exempt from these taxes food items eligible for purchase with United States Department of Agriculture food coupons. This exemption is applied prospectively.

**H.3014 CIGARETTE TAX INCREASE WITH ADDITIONAL REVENUE
DEVOTED TO NURSING EDUCATION PROGRAMS Rep. M. A. Pitts**

This bill increases the tax on cigarettes to 1.85 cents a cigarette. The legislation provides that not less than fifteen million dollars of cigarette license tax revenues must be appropriated annually to the State Board for Technical and Comprehensive Education for the Allied Healthcare Initiative and not less than ten million dollars must be appropriated to the Commission on Higher Education for the Critical Needs Nursing Initiative Fund. The legislation provides that the balance of the revenue must be appropriated annually to the Nursing Education Scholarship Fund which is created under the legislation for the purpose of providing scholarships covering tuition, fees, and books for instate students enrolled in two year and four year nursing programs at the state's public institutions of higher learning.

H.3015 POLL WORKERS NOT INCLUDED UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM AND INCOME TAX DEDUCTION FOR POLL WORKER COMPENSATION Rep. A.D. Young

This bill revises the definition of "employee" under the South Carolina Retirement System (SCRS), so as to provide that it does not include specified election workers and election officials. The legislation provides for a state individual income tax deduction for compensation for poll workers and poll officials at a polling place on the day of an election.

H.3018 PROPERTY TAX EXEMPTION FOR UNOCCUPIED NEWLY CONSTRUCTED HOMES Rep. E. H. Pitts

This bill provides a property tax exemption for one hundred percent of the value of an improvement to real property consisting of a newly constructed detached single family home through the earlier of: (a) the property tax year in which the home is first occupied; or (b) the property tax ending the second December thirty first after the home is completed and a certificate of occupancy, if required, is issued thereon.

H.3019 FULL PROPERTY TAX EXEMPTION FOR AN OWNER-OCCUPIED RESIDENCE IF THE OWNER HAS ATTAINED THE AGE OF SIXTY-FIVE YEARS Rep. Spires

This bill provides for an exemption from all property tax equal to one hundred percent of the value subject to tax of an owner-occupied residence if the owner has attained the age of sixty-five years.

H.3037 PROPOSED CONSTITUTIONAL AMENDMENT ESTABLISHING NEW STATE GOVERNMENT SPENDING LIMITATIONS Rep. G. R. Smith

This joint resolution proposes to amend of the South Carolina Constitution by eliminating the existing state spending limitations and replacing them with new limitations which provide that the state general fund appropriations for a fiscal year may not exceed such appropriations for the prior year increased by the average annual growth rate in state general fund revenues over the preceding ten years. The legislation provides for the calculation of the limit and establishes circumstances when the limit may be adjusted. The legislation establishes the Budget Stabilization Fund to receive general fund revenues in excess of the annual general fund appropriations limit. Revenues in the fund must be used for budget stabilization and for declared emergencies. Balances in the fund in excess of fifteen percent of the prior year's actual general fund collections may be expended for capital improvements, debt reductions, or tax rebates, or any combination of these. Other uses for fund revenues may be approved only upon an affirmative vote in each branch of the General Assembly by a two-thirds vote of the members present and voting but not less than three-fifths of the total membership of each branch.

H.3041 AGRICULTURAL USE CLASSIFICATION FOR REAL PROPERTY TAXES Rep. Kirsh

This bill provides that a taxpayer may elect to appeal a county assessor's real property tax assessment to the county governing body rather than the board of assessment appeals if the taxpayer's protest is a result of the county assessor's decision to remove the agricultural use classification from the property. A county shall pay the reasonable attorney's fees to a taxpayer who prevails on such appeals. The legislation revises real property requirements for classification as agricultural use, so as to allow an agricultural use classification for real property under the same ownership.

H.3047 "SPENDING ACCOUNTABILITY ACT OF 2009" Rep. Haley

This bill enacts the "Spending Accountability Act of 2009" to require the Annual General Appropriations Bill, Conference and Free Conference Committee Reports, and certain other bills and joint resolutions to receive recorded roll call votes at specified stages of their passage by the House of Representatives and the Senate.

H.3051 PREFERENCES FOR SOUTH CAROLINA AND UNITED STATES END PRODUCTS AND FOR SOUTH CAROLINA LABOR UNDER THE CONSOLIDATED PROCUREMENT CODE Rep. Harrell

This bill revises provisions of the Consolidated Procurement Code relating to vendor preferences, so as to provide for preferences for end products from South Carolina and from the United States and for contractors and subcontractors who employ individuals domiciled in South Carolina. The legislation establishes eligibility requirements for the preferences and provides penalties for their false application. The legislation establishes a resident preference in contracts for design services and eliminates a provision relating to approval of change orders in connection with certain contracts.

H.3088 EXEMPTION FROM LOCAL GOVERNMENT STORMWATER FEES FOR AGRICULTURAL/FOREST/UNDEVELOPED LANDS AND PLACES OF WORSHIP Rep. R. L. Brown

This bill provides a local government may not impose a fee on agricultural, forest, or undeveloped lands for a stormwater, sediment, or erosion control program except in specific circumstances, and to provide a place, structure, or building primarily used as a place of worship is exempt from a fee imposed by a local government for a stormwater, sediment, or erosion control program.

H.3102 SCHOOL DISTRICT REQUIRED TO MAINTAIN AN AVERAGE DAILY MEMBERSHIP OF AT LEAST TEN THOUSAND STUDENTS IN ORDER TO RECEIVE STATE FUNDING Rep. E. H. Pitts

This bill provides that a school district must maintain an average daily membership of ten thousand students or greater in order to receive state funding.

H.3107 *INDIVIDUAL INCOME TAX CREDIT TO PURCHASE BOOKS AND SUPPLIES FOR A CHILD IN PRIVATE SCHOOL OR HOME SCHOOL*
Rep. Merrill

This bill provides that a person who sends his child to private school or home schools his child is allowed a state individual income tax credit equal to two hundred dollars per child to be used to purchase books and supplies.

H.3119 *CIGARETTE TAX INCREASE TO FUND THE SMOKING CESSATION AND HEALTH CARE FUND AND OTHER HEALTH NEEDS*
Rep. Hosey

This bill imposes an additional tax of 1.5 cents per cigarette. The legislation establishes the Smoking Cessation and Health Care Fund into which must be deposited fifty percent of the revenue generated from the imposition of this tax and which must be administered by the Department of Health and Human Services for reimbursement of an individual's personal expenses related to smoking cessation and smoking related health care devices, equipment, and programs. The legislation provides that the remaining revenue generated by this tax must be credited to the general fund and appropriated annually by the General Assembly to address health needs of South Carolinians, including using such funds for Medicaid matching funds.

H.3122 *FAILURE TO FILE A REQUIRED TAX RETURN OR FILING A FRIVOLOUS RETURN*
Rep. Huggins

This bill revises provisions relating to the failure of a taxpayer to make a report or file a return required by law or a taxpayer who files a frivolous return, so as to further provide for the information the Department of Revenue must consider when making an estimate of the tax liability of the taxpayer under these circumstances.

H.3124 *BIENNIAL STATE GENERAL APPROPRIATIONS ACT*
Rep. J. E. Smith

This bill provides that, beginning with its 2011 session, the General Assembly shall enact a biennial, rather than an annual, state general appropriations act.

H.3125 *"SOUTH CAROLINA SCHOOL FACILITIES INFRASTRUCTURE ACT"*
Rep. Cobb-Hunter

This bill revises the state School Facilities Bond Act, so as to provide that, beginning with fiscal year 2009-2010 and continuing for a period of four fiscal years thereafter, an additional three hundred million dollars in school facilities bonds may be issued over this five-year period. Under the legislation, these bonds must be allocated to school districts based on a formula which gives priority consideration to districts with higher percentages of students eligible for free or reduced priced lunches, the relative financial ability of a district to fund new school facilities or improve existing facilities, and remaining capacity of a district to issue additional capital improvement bonds. The legislation enacts the "South Carolina School Facilities Infrastructure Act", to establish the South Carolina School Facilities Infrastructure Authority, and to provide for its governance, powers, and duties. The legislation authorizes the authority to: provide loans and other financial assistance to school districts to finance school facilities; allow state appropriations, grants, loan repayments, and other available amounts to be credited to the fund of the authority; authorize lending to and borrowing by school districts through the authority; and authorize the issuance of general obligation bonds by the authority to be used for its stated purposes.

H.3146 *TAX STUDY COMMISSION*
Rep. J. E. Smith

This bill revises provisions for the Joint Committee on Taxation, so as to replace that committee with a new Tax Study Commission. The legislation establishes the membership and duties of the Tax Study Commission and provides that the commission's first order of business is a review of state sales and use tax exemptions which must be submitted to the General Assembly and the Governor before the beginning of the 2010 session of the General Assembly. The legislation requires that this review contain specific recommendations with respect to exemptions to be eliminated or revised and a reduced state sales and use tax rate to provide revenue neutrality. The legislation provides for the reporting and implementation of the committee's recommendations and amendments allowed to these recommendations and the manner in which they take effect. The legislation provides for the elimination of the Tax Study Commission effective July 1, 2011, unless the General Assembly by law extends the commission's existence.

H.3148 "SOUTH CAROLINA RURAL INFRASTRUCTURE ACT" Rep. Clyburn

This bill enacts the "South Carolina Rural Infrastructure Act" to establish the South Carolina Rural Infrastructure Authority and provide for its governance, powers, and duties. The legislation authorizes the authority to: provide loans and other financial assistance to a municipality, county, special purpose or public service district, and a public works commission in order to finance rural infrastructure facilities; allow state appropriations, grants, loan repayments, and other available amounts to be credited to the fund of the authority; and, authorize lending to and borrowing by eligible entities through the authority.

H.3154 "THE SOUTH CAROLINA AGRICULTURAL ASSESSMENT REFORM ACT OF 2009" Rep. Chalk

This bill enacts "The South Carolina Agricultural Assessment Reform Act of 2009." The legislation revises provisions relating to reassessment of real property every five years, so as to limit a property tax increase in the year of implementation of revised agricultural use standards. The legislation revises provisions relating to assessment ratios for certain property classifications, so as to provide for updated criteria for determining fair market value of agricultural use property. The legislation requires that the property owners reapply for agricultural use classification each year of the countywide appraisal and equalization program. The legislation provides for the application of the rollback tax to certain agricultural property based on increased value. The legislation requires rollback taxes to be paid with the deed transferring real property where the increase in value meets certain criteria. The legislation limits application of the rollback tax to that property at a later date. The legislation exempts from the rollback tax property sold at a foreclosure sale for specified reasons and under specified circumstances. The legislation revises the definition of "agricultural real property" for purposes of property tax reassessment and equalization, so as to define the term more fully, including the requirement that the agricultural use be a commercial use meeting evidence requirements. The legislation revises other criteria for agricultural use property, so as to require that timberland property must be twenty-five acres or more and to eliminate the provision allowing a nontimberland tract that fails to meet the acreage or income criteria to retain the agricultural use classification so long as it has remained in the immediate family since the imposition of that classification. The legislation revises requirements for a county's compliance with property classification provisions so as to allow the Department of Revenue to review appeals of property classifications and audit sample reassessments so as to assure accurate results. The legislation revises penalties for

falsely claiming agricultural use property, so as to make the penalty ten dollars for each acre falsely claimed.

**H.3155 PROPOSED CONSTITUTIONAL AMENDMENT ESTABLISHING A
PROPERTY TAX CLASSIFICATION FOR LARGE UNDEVELOPED
LAND**

TRACTS Rep. Chalk

This joint resolution proposes an amendment to the South Carolina Constitution so as to add a real property tax classification, with an assessment of two percent of its fair market value, for a large undeveloped tract of land that does not qualify for classification as agricultural use property.

**H.3156 PROCUREMENT OF ENVIRONMENTALLY PREFERABLE GOODS
AND**

SERVICES Rep. Brady

This bill provides for a twenty-five percent set-aside for governmental bodies and local political subdivisions subject to the State Consolidated Procurement Code for contracts for environmentally preferable goods or services entered into outside of the procurement code. The legislation provides for a five percent preference for vendors of environmentally preferable goods or services in connection with competitive procurements subject to the State Consolidated Procurement Code.

H.3181 EDUCATION FINANCE ACT REVISIONS Rep. Clemmons
This bill provides for comprehensive revisions to provisions of The Education Finance Act of 1977. The legislation revises the manner in which weightings used to provide for relative cost differences between students are determined. The legislation revises the manner in which school district funding under this act is distributed, including eliminating the index of taxpaying ability, renaming "base student cost" as "weighted student cost", and modifying the formula for computing weighted student cost. The legislation requires the General Assembly, beginning with fiscal year 2010-2011, to provide allocations to school districts based on the full amount of weighted student cost. The legislation provides that allocations made to school districts under the Education Improvement Act must be disbursed directly to individual schools without regard to designated purpose in the same manner and formula as contained in the Education Finance Act. The legislation eliminates provisions relating to the level of financial effort per pupil required of school districts.

**H.3203 DRYCLEANING FACILITY RESTORATION TRUST FUND REVISIONS
Rep. Brady**

This bill revises provisions for the Drycleaning Facility Restoration Trust Fund, so as to further specify that wholesale drycleaning facilities are subject to the provisions of the article and are eligible to seek restoration assistance. The legislation authorizes the Department of Health and Environmental Control to use funds, other than funds from the Drycleaning Facility Restoration Trust Fund, if an emergency exists and funds are not available from the trust fund and to further provide that these funds must be repaid from the trust fund. The legislation provides exemptions from the environmental surcharge imposed on the gross proceeds of sales of retail drycleaning facilities, including an exemption for wholesale sales of drycleaning services. The legislation further provides for eligibility requirements and determinations and procedures for requesting and issuing restoration assistance, including obtaining secondary assessments and the amount of deductibles. The legislation provides for initial and annual registration fees for

drycleaning facilities established after October 1, 1995. The legislation authorizes the property owner to register a facility if the owner or operator of the facility does not. The legislation provides for the issuance of certificates of registration and requires presentation of such certificates in order to purchase drycleaning solvents. The legislation prohibits a supply facility, or other drycleaning facility, from selling drycleaning solvent to a drycleaning facility if the facility does not possess a certificate. The legislation provides civil penalties, specifies requirements for a drycleaning facility exemption certificate, and revises the membership of the Drycleaning Advisory Council.

**H.3206 CIGARETTE TAX INCREASE TO FUND MEDICAID RESERVE
ACCOUNT Rep. White**

This bill imposes an additional tax on cigarettes equal to 1.25 cents on each cigarette. The legislation creates the Medicaid Reserve Account of the South Carolina Department of Health and Human Services and provides for its sources of revenue including the revenues of the tax imposed under this legislation. The legislation provides for the uses of fund revenues. The legislation requires a balance in this fund equal to one and one-half percent of the total appropriations authorized for the Medicaid program for the current fiscal year. The legislation provides that revenues of this additional tax in excess of amounts necessary to restore and maintain the Medicaid Reserve Account at the required level must first be credited to the General Reserve Fund and thereafter to the General Fund of the state.

**H.3207 CERTIFICATION DATE FOR THE RESULT OF A CAPITAL
PROJECTS**

SALES AND USE TAX ACT REFERENDUM Rep. Hosey

This joint resolution changes the certification date for the result of a Capital Projects Sales And Use Tax Act referendum held at the time of the 2008 general election from no later than November 30, 2008, to no later than December 11, 2008.

**H.3208 RETIREMENT BENEFITS FOR ACTIVE DUTY SERVICE IN THE
UNITED STATES ARMED FORCES DEDUCTIBLE FROM INDIVIDUAL
INCOME TAX Rep. Clemmons**

This bill revises deductions from taxable income of individuals for purposes of the South Carolina Income Tax Act, so as to allow the deduction of retirement benefits attributable to service on active duty in the Armed Forces of the United States.

H.3209 ELIMINATION OF SALES TAX EXEMPTION FOR GROCERIES

Rep. Spires

This bill eliminates the sales tax exemption allowed for unprepared food items eligible for purchase with United States Department of Agriculture food coupons.

H.3210 STATE INCOME TAX CREDIT FOR PREMIUMS PAID BY A SMALL EMPLOYER TO PROVIDE EMPLOYEE HEALTH INSURANCE COVERAGE Rep. Gunn

This bill allows a state income tax credit for premiums paid by a small employer to provide eligible employees coverage under a qualifying health plan. The legislation limits the credit to one thousand dollars an employee for each of six consecutive taxable years and allows the credit only for businesses employing no more than fifty employees.

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